IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1385 OF 2005
IN
SUIT NO.2675 OF 1989

Uttam Traders Pvt. Ltd.).. Plaintiffs

Versus

Oil & Natural Gas Commission).. Defendants

Mr.M.G.Mimani for the Plaintiffs.

Mr.Usha Singh i/b.Vyas and Bhalwal for the Defendants.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 19TH DECEMBER 2005

P.C.:

. This Chamber Summons has been taken out by the Defendants for condoning the delay in filing the Written Statement. The delay is of more than ten years. According to the Defendants, the Written Statement was to be filed within eight weeks of the order of 6th October 1994 passed by this Court. It appears from the affidavit in support of the Chamber Summons that the Written Statement was sent to the Advocate for the Plaintiffs. However, it was pending objections in the office of the Prothonotary & Senior Master. It appears that this came to light only on 10th May 2004 when a search of the proceedings in this Court was taken by the Advocates for the Defendants. An application for condoning the delay

was to be made, but the earlier Written Statement was misplaced and, therefore, a new one had to be drawn. On 8th October 2004, an affirmed copy of the Written Statement was filed in the office of the Prothonotary & Senior Master and a copy of the same was served on the Plaintiffs. The Written Statement again remained under objection since it was delayed by ten years. It is this delay which is sought to be condoned while accepting the Written Statement on record.

2. In my view, there is a gross and inordinate delay in the matter and a Public Corporation should have been more vigilant rather than approaching the Court ten years after the date on which they were expected to file the Written Statement. However, in order to prevent any prejudice to the Defendants while defending the Suit, the delay is condoned subject to payment of costs.

3. Delay in filing Written Statement condoned.

4. Written Statement to be taken on record subject to payment of costs of Rs.15,000/- (Rupees Fifteen Thousand only) to the Plaintiffs. Written Statement to be filed within four weeks from today.

5. Chamber Summons disposed of accordingly.